

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOSEPH D. SANDGATHE,

Plaintiff,

v.

KAY LANDRUM,

Defendant.

Case No. 6:19-cv-366-MK

OPINION AND ORDER

MCSHANE, Judge:

Magistrate Judge Mustafa T. Kasubhai filed a Findings & Recommendation (“F&R”) on April 4, 2019, ECF No. 5, and the matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b). Although Plaintiff filed no objections, I have reviewed the legal principles *de novo*. *See United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1998). I find no error and conclude that the F&R is correct. Judge Kasubhai’s F&R is adopted in full. Accordingly, the Complaint, ECF No. 1, is DIMISSED without prejudice. Plaintiff has 30 days from the date of this Order in which to file an optional amended complaint. The failure to do so within the allotted time will result in the entry of a final judgment of dismissal. The Court defers ruling on Plaintiff’s Application to Proceed IFP, ECF No. 2, and Motion for Appointment of Pro Bono Counsel, ECF No. 3, pending submission of an amended complaint.

IT IS SO ORDERED.

DATED this 2nd day of May, 2019.

/s/ Michael McShane

Michael J. McShane

United States District Judge